



May 16, 2013

Dr. Tom Kimbrell, Commissioner
Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

Dear Dr. Kimbrell:

Enclosed is a certified copy of a resolution adopted by the Board of Directors of Hot Springs School District No. 6, Garland County, Arkansas, dated May 6, 2013. The purpose and intent of the Board of Directors is to declare that Hot Springs School District No. 6 is under and subject to a desegregation Settlement Agreement and Federal Court Order that meet the requirements of Ark. Code Ann. 6-18-1906(a); and as a result the District shall not participate in public school choice as defined by Act 1227 of 2013. It is not necessary, and the District is not declaring an exemption as provided for in Ark. Code Ann. 6-18-1906(b), and will follow the Desegregation Agreement and Order of the Federal Court, as well as any future Orders entered, regarding the continuing desegregation efforts of the District.

Sincerely,

Mrs. Joyce Craft, Superintendent
Hot Springs School District No. 6

cc: Garland County School Superintendents

Enclosure

RESOLUTION
BOARD OF DIRECTORS
HOT SPRINGS SCHOOL DISTRICT NO. 6
GARLAND COUNTY, ARKANSAS

WHEREAS, the Board of Directors of Hot Springs School District ("Board" and "HSSD") met in special session on May 6, 2013, at the Administration building of HSSD; and,

WHEREAS, HSSD is subject to a desegregation plan regarding the effects of past inter-district racial segregation (the Garland County School Desegregation Case Comprehensive Settlement Agreement, hereafter the "Settlement Agreement") filed in *W.T Davis, et al. v. Hot Springs School District, et al.*, Case No. 89-6088, United States District Court for the Western District of Arkansas, Hot Springs Division, in which the plaintiffs sought desegregation of the public schools of Garland County, Arkansas, which the plaintiffs alleged were racially segregated; and,

WHEREAS, United States District Judge H. Franklin Waters entered an Order and Memorandum approving the Settlement Agreement on April 28, 1992 ("Order"); and,

WHEREAS, the Court has not released HSSD (or any other school district) from its obligations under the Settlement Agreement and Order; and,

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and,


WHEREAS, Act 1227 (to be codified at Ark. Code Ann. § 6-18-1906(a)) provides that "[i]f the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern"; and,

WHEREAS, the Settlement Agreement and Order constitute, respectively, a district's "court-approved desegregation plan regarding the effects of past racial segregation in student assignment" and "an enforceable desegregation court order"; and,

WHEREAS, the United States District Court for the Western District of Arkansas, Hot Springs Division, retains supervisory jurisdiction over the enforcement of the Settlement Agreement and Order, as those documents affect the desegregation efforts of the Garland County school districts, including HSSD, subject only to subsequent modifications or termination thereof by the Court.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Hot Springs School District, by a vote of 3 to 0, hereby declares: That HSSD remains subject to the Settlement Agreement and Order; that HSSD's Settlement Agreement and Order meet the requirements of Ark. Code Ann. § 6-18-1906(a); that for that reason HSSD shall not participate in public school choice as defined by Act 1227; that no exemption as defined in Ark. Code Ann. § 6-18-1906(b) shall be necessary; and that HSSD will follow all future orders of the United States District Court for the Western District of Arkansas, Hot Springs Division regarding the continuing desegregation efforts of HSSD.

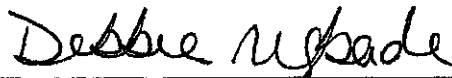
The Superintendent is directed to provide the Arkansas Department of Education with a copy of this resolution for notice and record-keeping purposes.



Steve White, Board President
Hot Springs School District No. 6

CERTIFICATION

I, Debbie Ugbade, Secretary of the Board of Directors of Hot Springs School District No. 6 of Garland County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at a special session on May 6, 2013.

A handwritten signature in cursive script that reads "Debbie Ugbade". The signature is written in dark ink and is positioned above a horizontal line.

Debbie Ugbade, Secretary
Hot Springs School District No. 6